

1 BARRY J. PORTMAN
Federal Public Defender
2 ELIZABETH M. FALK
Assistant Federal Public Defender
3 450 Golden Gate Avenue
San Francisco, CA 94102
4 Telephone: (415) 436-7700
5 Counsel for MENDIZABAL-CUYA
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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 OSCAR LUIS MENDIZABAL-
14 CUYA,

15 Defendant

) No. CR-07-0623 EMC

) **MOTION AND [PROPOSED]
ORDER FOR RELEASE FROM
CUSTODY**

) Hearing: October 3, 2007
) Time: 9:30 a.m.

) Magistrate Judge Edward Chen/Nandor
) Vadas

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17 On October 3, 2007, Mr. Oscar Luis Mendizabal-Cuya was sentenced to one week of custody
18 by the Honorable Edward M. Chen, who is not available today to sign this Release Order. At the
19 hearing, both parties agreed that the week would toll on Friday, October 5, 2007, as Mr. Mendizabal-
20 Cuya was arrested by U.S. Park Police on Saturday, September 29, 2007. As today is October 5,
21 2007, and no further custody time was ordered by Judge Chen, Mr. Mendizabal-Cuya now

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2 moves this honorable Court to order his release from federal custody forthwith today, October 5,
3 2007.

4 Dated: October 5, 2007

5 Respectfully submitted,

6 BARRY J. PORTMAN
7 Federal Public Defender

8 /S/

9 ELIZABETH M. FALK
10 Assistant Public Defender

11 **[PROPOSED] ORDER**

12
13 For the aforementioned reasons, it is hereby **ORDERED** that Mr. Oscar Luis Mendizabal-Cuya
14 be released from federal custody forthwith today, October 5, 2007.

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16 **IT IS SO ORDERED**

17 DATED: _____

18 THE HONORABLE NANDOR J. VADAS
19 UNITED STATES MAGISTRATE JUDGE

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No. CR 3-07-0623 EMC